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General Assembly

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Fifty-eighth session
Agenda item 76

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/465)*]

58/68. The risk of nuclear proliferation in the Middle East

The General Assembly,

Bearing in mind its relevant resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is resolution GC(47)/RES/13, adopted on 19 September 2003,[1]

Cognizant that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

Mindful of the immediate need for placing all nuclear facilities in the region of the Middle East under full-scope safeguards of the International Atomic Energy Agency,

Recalling the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995,[2] in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet parties to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded nuclear facilities,

Recognizing with satisfaction that, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference undertook to make determined efforts towards the achievement of the goal of universality of the Treaty on the Non-Proliferation of Nuclear Weapons, called upon those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities, and underlined the

[1] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-seventh Regular Session, 15–19 September 2003* (GC(47)/RES/DEC(2003)).

[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex, decision 2.

necessity of universal adherence to the Treaty and of strict compliance by all parties with their obligations under the Treaty,[3]

Recalling the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995,[4] in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope International Atomic Energy Agency safeguards,

Noting that Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons,[5]

Concerned about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region,

Stressing the importance of taking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

Emphasizing the need for all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, inviting the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards,

Noting that one hundred and sixty-nine States have signed the Comprehensive Nuclear-Test-Ban Treaty,[6] including a number of States in the region,

1. *Welcomes* the conclusions on the Middle East of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;[7]

2. *Reaffirms* the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons[5] and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

3. *Calls upon* that State to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons,

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[3] See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I, section entitled "Article IX".

[4] See *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex.

[5] United Nations, *Treaty Series*, vol. 729, No. 10485.

[6] See resolution 50/245.

[7] See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I, section entitled "Article VII and the security of non-nuclear-weapon States", para. 16.

and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "The risk of nuclear proliferation in the Middle East".

71st plenary meeting
8 December 2003

General Assembly

Distr.: General
19 December 2003

Fifty-eighth session
Agenda item 77

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/466)*]

58/69. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 57/98 of 22 November 2002 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the First Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2] and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] which entered into force on 30 July 1998 and 3 December 1998 respectively,

Welcoming the results of the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[2] CCW/CONF.I/16 (Part I), annex A.

[3] Ibid., annex B.

Have Indiscriminate Effects,[4] and commending the efforts of the President of the Conference,

Recalling with satisfaction the decision by the Second Review Conference, on 21 December 2001, to extend the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character,[4]

Recalling the decision by the Second Review Conference to commission follow-up work under the oversight of the Chairman-designate of a meeting of States parties to the Convention and in this context the decision to establish an open-ended group of governmental experts with two separate coordinators on explosive remnants of war and on mines other than anti-personnel mines,[4]

Welcoming the additional ratifications and acceptances of or accessions to the Convention and to amended Protocol II and Protocol IV, as well as accessions to the amendment of article I of the Convention, as adopted in 2001,[4]

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Noting that the rules of procedure of the First Annual Conference of States Parties to Amended Protocol II provide for the invitation of States not parties to the Protocol, the International Committee of the Red Cross and interested non-governmental organizations to take part in the Conference,

Welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

Welcoming also the results of the Fourth Annual Conference of States Parties to Amended Protocol II, held at Geneva on 11 December 2002,[5]

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, as well as the amendment of article I extending the scope of the Convention,[4] with a view to achieving the widest possible adherence to these instruments at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention;

3. *Calls upon* all States parties to the Convention that have not yet done so to notify the depositary at an early date of their consent to be bound by the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;[4]

4. *Notes* the decision of the Meeting of the States Parties to the Convention held on 12 and 13 December 2002[6] that the Working Group on Explosive Remnants of War would continue its work in the year 2003 with the mandate to negotiate an instrument on post-conflict remedial measures of a generic nature that would reduce

[4] CCW/CONF.II/2 and Corr.1, part II.

[5] See CCW/AP.II/CONF.4/3 (Part I).

[6] See CCW/MSP/2002/2.

the risks of explosive remnants of war and to explore and determine whether these negotiations could successfully address preventive generic measures for improving the reliability of munitions and, separate from these negotiations, to continue to consider the implementation of existing principles of international humanitarian law and to further study, on an open-ended basis, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimizing the humanitarian risk of these munitions' becoming explosive remnants of war;[7]

5. *Also notes* the decision of the Meeting of the States Parties to the Convention that the Working Group on Mines Other Than Anti-Personnel Mines would continue its work in the year 2003 with the mandate to explore the issue of mines other than anti-personnel mines, and consider the most appropriate way to reduce the risks posed by the irresponsible use of mines other than anti-personnel mines, including the possibility of concluding a negotiating mandate for a new instrument and other appropriate measures, taking into account the issues specified in the decision;[8]

6. *Further notes* the decision of the Meeting of the States Parties to the Convention that the Chairman-designate should continue to undertake consultations during the intersessional period on possible options to promote compliance with the Convention and the Protocols thereto, taking into account proposals put forward;[9]

7. *Expresses support* for the work conducted by the Group of Governmental Experts, and encourages the Chairman-designate and the Group to conduct work expeditiously with a view to submitting a possible proposal for an instrument on explosive remnants of war to States parties for consideration at their meeting on 27 and 28 November 2003 and with a view to submitting to the States parties' reports on mines other than anti-personnel mines and on compliance;

8. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Meeting of States Parties to the Convention to be held on 27 and 28 November 2003, as well as for any possible continuation of work after the Meeting, should the States parties deem it appropriate;

9. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention and the Protocols thereto;

10. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

71st plenary meeting
8 December 2003

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[7] Ibid., para. 21.

[8] Ibid., para. 22.

[9] Ibid., para. 23.